



88W1772

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Art Unit : 1772 Customer No.: 035811
Examiner : Catherine A. Simone
Serial No. : 09/980,651
Filed : January 24, 2002
Inventors : Tetsuya Tsunekawa Docket No.: 1319-01
 : Masayoshi Asakura
 : Tetsuya Yamagata Confirmation No.: 7108
Title : POLYESTER FILM FOR HEAT-RESISTANT
 : CAPACITOR, METALLIZED FILM THEREOF,
 : AND HEAT-RESISTANT FILM CAPACITOR
 : CONTAINING THE SAME

Dated: February 15, 2005

RESPONSE

Mail Stop Amendment

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This is submitted in response to the Official Action dated December 10, 2004.

The Applicants acknowledge the double-patenting rejection of Claims 1, 3 – 6 and 8 – 10 over US Patent No. 6,420,011. The Applicants submit a duly executed Terminal Disclaimer and respectfully request that the double-patenting rejection be withdrawn.

The Applicants acknowledge the rejection of Claims 1, 3 – 6 and 8 – 10 under 35 U.S.C. §103 as being obvious over US Patent No. 6,420,011. The Applicants note with appreciation the Examiner's helpful comments concerning removal of US '011 as a reference. In particular, the Applicants note the Examiner's comment that the rejection may be overcome by showing that the subject matter of the reference and the claimed invention were, at the time the invention was made, owned by the same person or subject to an object of assignment to the same person.

The Applicants note that this is an application filed on or after November 29, 1999. The Applicants, therefore, respectfully submit that the 35 U.S.C. §103 rejection of Claims 1, 3 – 6 and 8

– 10 may be overcome by demonstration that the subject matter of US '011 and the claimed invention were, at the same time the invention was made, subject to an obligation of assignment to the same person. Thus, for the record, the following statement is made:

Application No. 09/980,651 and US Patent No. 6,420,011 were, at the time the invention of Application No. 09/980,651 was made, owned by Toray Industries, Inc.

The Applicants enclose, for the Examiner's convenience, a print-out from the USPTO website showing that US Patent 6,420,011 is, in fact, assigned to Toray Industries, Inc. The Applicants also enclose a copy of the Applicants' original Assignment Recordal Sheet, again indicating that Case No. 09/980,651 is assigned to Toray Industries, Inc. The Applicants therefore respectfully request that the §103 rejection be withdrawn.

In light of the foregoing, the Applicants respectfully submit that the entire Application is now in condition for allowance, which is respectfully requested.

Respectfully submitted,



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